

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ashkenazi et al.	Docket No.:	39766-0100A
Serial No.:	10/265,542	Group Art Unit:	1774
Filing Date:	October 3, 2002	Examiner:	Unassigned
For:	USE OF A33 ANTIGENS AND JAM-IT		

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

Sir:

PETITION TO ACCEPT APPLICATION UNDER 37 CFR 1.47(a)

Applicants Avi Ashkenazi, Sherman Fong, Audrey Goddard, Austin L. Gurney, Mary A. Napier and William I. Wood petition under 37 CFR 1.47(a) to have the above-identified application accepted without the signature of inventor Daniel Tumas.

The fee of \$130.00 for this petition under 37 CFR 1.17(h) is enclosed by check, and further authorized in the transmittal for this application.

Enclosed is a Statement of Facts in support of this Petition, signed by Ms. Teri Lee, an employee of Genentech, Inc., the assignee of the signing inventors, setting out the facts surrounding the refusal of the non-signing inventor Mr. Tumas to join in this application by his refusal to sign the declaration for the application.

The Statement of Facts is accompanied by:

a copy of a letter to Mr. Tumas requesting his signature for the declaration and assignment,

receipt from Federal Express confirming the delivery of the letter enclosing the application, declaration and the assignment to Mr. Tumas.


The signing inventors believe that they and Mr. Tumas are joint inventors. The signing inventors have therefore, as required by 35 USC 116, second paragraph, and 37 CFR 1.47(a), made the above-identified application on behalf of themselves and Mr. Tumas by signing a declaration including the name, address, and citizenship of Mr. Tumas as well as their own, in accordance with MPEP 409.03(a), subparagraph (A).

The above-identified application is accompanied by proof that the non-signing inventor refuses to execute the application papers, and by a statement of his last known address, in accordance with MPEP 409.03(a), subparagraphs (B) and (C).

Applicants therefore respectfully petition that this application be accepted without the signature of non-signing inventor Mr. Tumas.

Respectfully submitted,

Date: February 19, 2003



Anna L. Barry
Attorney for Applicants
Reg. No. 51,436

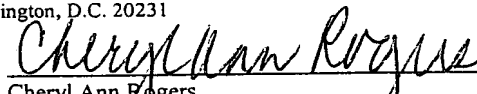
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CERTIFICATE OF MAILING (37 CFR 1.10(a))

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - Rule 10: I hereby certify that this correspondence is being deposited on February 19, 2003 with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 as Express Mail No. EV194296619US addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231

Date: February 19, 2003



Cheryl Ann Rogers